

1 Gregory Armand  
2 482 Joralemon Street Apt B6  
3 Belleville,  
4 New Jersey (07109)  
5

6 United States District Court  
7 Eastern District of New York

8 UNITED STATES OF AMERICA,  
9 Plaintiff

22-cr-458

10 v.

11 JIN HUA ZHANG, et al,

Notice of Motion  
Defend in error, GREGORY ARMAND'S  
Motion to Dismiss with Prejudice pursuant  
F.R.C.P. Rule 12(b)(6);  
Certificate of Service; Proposed Order;

12 Time: \_\_\_\_\_  
13 Room: \_\_\_\_\_  
14 Date: \_\_\_\_\_  
Judge: LaShann DeArcy Hall  
Magistrate: Ramon E. Reyes, Jr.

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15 NOTICE OF MOTION

16 PLEASE TAKE NOTICE, Gregory Armand hereby gives notice of the hearing on the  
17 annexed "Motion to Dismiss, at the Courthouse located at

18 225 Cadman Plaza E.  
19 Brooklyn, NY 11201

Armand will present his motion, give oral testimony, evidence that supports his motion, at  
the hearing.

20 

21 Gregory Armand.  
22 482 Joralemon Street Apt B6  
23 Belleville,  
24 New Jersey (07109)  
25  
26  
27  
28

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8 United States District Court  
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10 UNITED STATES OF AMERICA,  
11 Plaintiff

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12 v.

13 JIN HUA ZHANG, et al,

Notice & Motion  
Defend in error, GREGORY ARMAND'S  
Motion to Dismiss with Prejudice pursuant  
F.R.C.P. Rule 12(b)(6);  
Certificate of Service; Proposed Order;

14 Judge: LaShann DeArcy Hall  
15 Magistrate: Ramon E. Reyes, Jr.

16 Comes Now, Gregory Armand, motioning the Court to dismiss the action against GREGORY  
17 ARMAND on the following grounds, pursuant Rule 12(b)(6).

18 **ELEMENTS REQUIRED FOR CONVICTION re 18 U.S.C. 1343**

- 19 (1) the defendant must have been engaged in a scheme to defraud;  
20 (2) the scheme must have involved material misstatements or omissions;  
21 (3) the scheme resulted, or would have resulted upon completion, in the loss  
22 of money, property, or honest services;  
23 (4) the defendant must have used interstate wirings in furtherance of scheme  
24 to defraud; and  
25 (5) the defendant used or caused the use of interstate wirings.

26 re: ¶1.2 The defendant GREGORY ARMAND("ARMAND") was a citizen of the  
United States and a resident of the United States.

27 Rebuttal(s):

28 Armand, is not a United States citizen, nor is he a "resident" of the "United States  
pursuant the definition of "United States"

1 Gregory Armand is a Citizen of New Jersey;

2 Gregory Armand is not a "resident of the United States";

3 Gregory Armand is domiciled at New Jersey;

4 [Paragraphs 3-35 have been omitted because nothing pertaining to Gregory Armand is  
5 stated within those paragraphs.]

6 re: ¶1.36 "After the T5 Money Launderers received the T5 Victims' funds, the  
7 defendants JIN HUA ZHANG, GREGORY ARMAND, YANBIN  
8 CHEN, YANBING CHEN, CHANGGUI HUANG, XIN JIN, CUNZHONG  
LIU, JIAHUI MIAO, LINGMING ZENG, HUA ZHOU and JIN FU ZHANG  
engaged or directed others to engage in a series of financial transactions in  
which they transferred the T5 Victims' funds to other banks accounts";

9 Rebuttal(s): 1. This paragraph in the indictment fails to demonstrate the who, what, where,  
10 when and how; In fact, all of these "connections" have not been connected,  
making this paragraph void and ambiguous;

11 2. This paragraph is entirely devoid of any of the 5 elements stated above;

12 3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
13 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading  
standards- "Pleadings must be plausible, not merely conceivable".

14 4. This indictment fails in specificity, pursuant *Associated Gen. Contractors*  
15 *of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district  
16 court must retain the power to insist upon some specificity in pleading before  
allowing a potentially massive factual controversy to proceed." See also *Car*  
*Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984)

17 This paragraph fails pursuant *Bell Atlantic Corp.* and *Associated*, requiring specificity,  
18 including connecting the entirely absent "who, what, where, when, and how" supra;  
This indictment as it applies to Armand, is fatally defective, and fails to state a claim  
upon which relief may be granted;

19 re: ¶1.55 On or about the approximate dates set forth below, within the Eastern District  
20 of New York and elsewhere, the defendants JIN HUA ZHANG, also known as  
21 "Yulong Chen" and "Yun Ye," GREGORY ARMAND, YANBIN CHEN, also  
22 known as "Yuanen Zheng," YANBING CHEN, also known as "Yehua Huang"  
and "Yun Ye," CHANGGUI HUANG, also known as "Junwu Chen," "Feng  
23 Qin" and "Haozhao Xu," XIN JIN, also known as "Hui Chen," CUNZHONG  
LIU, JIAHUI MIAO, LINGMING ZENG, also known as "Weiting Chen," and  
24 HUA ZHOU, together with others, did knowingly and intentionally engage in  
one or more monetary transactions in and affecting interstate commerce in  
25 criminally derived property of a value greater than \$10,000, as set forth in the  
chart below, and that was derived from specified unlawful activity, to wit: wire  
fraud, contraiy to Title 18, United States Code, Section 1343:..."

26 Rebuttal(s): 1. This paragraph in the indictment fails to demonstrate the who, what, where,  
27 when and how; In fact, all of these "connections" have not been connected,  
making this paragraph void and ambiguous;

28 2. This paragraph is entirely devoid of any of the 5 elements stated above;

3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading standards- "Pleadings must be plausible, not merely conceivable";

4. This indictment fails in specificity, pursuant *Associated Gen. Contractors of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed." See also *Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

This paragraph fails pursuant *Bell Atlantic Corp.* and *Associated*, requiring specificity, including connecting the entirely absent "who, what, where, when, and how" supra; This indictment as it applies to Armand, is fatally defective, and fails to state a claim upon which relief may be granted;

re: ¶1.30 "Victims of T5 : 30. In or about and between May 2021 and August 2022, the defendants JIN HUA ZHANG and JIN FU ZHANG, who are brothers, participated in an investment fraud scheme referred to, within ZHANG and JIN FU's network, as "T5" (the "T5 Wire Fraud Conspiracy"). ZHANG and JIN FU also managed a network of individuals who laundered money fraudulently obtained from victims of the T5 Wire Fraud Conspiracy (the "T5 Money Laundering Conspiracy"). Outside of the ZHANG network, the fraudulent scheme used in the T5 Wire Fraud Conspiracy is commonly referred to as 'Sha Zu Pan' and the 'pig butchering' scam.";

Rebuttal(s): 1. This paragraph in the indictment fails to demonstrate the who, what, where, when and how; In fact, all of these "connections" have not been connected, making this paragraph void and ambiguous;

2. This paragraph is entirely devoid of any of the 5 elements stated above;

3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading standards- "Pleadings must be plausible, not merely conceivable";

4. This indictment fails in specificity, pursuant *Associated Gen. Contractors of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed." See also *Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

This paragraph fails pursuant *Bell Atlantic Corp.* and *Associated*, requiring specificity, including connecting the entirely absent "who, what, where, when, and how" supra; This indictment as it applies to Armand, is fatally defective, and fails to state a claim upon which relief may be granted;

re: ¶1.31 "The victims of the T5 Wire Fraud Conspiracy (the "T5 Victims") were lured into investing following a similar pattern. First, they were contacted on messaging applications such as Messaging Application 1 by individuals unknown to them (the "T5 Introducers") who claimed to have made money investing in various investment markets, such as cryptocurrency markets and foreign exchange markets. The T5 Introducers convinced the T5 Victims to invest and introduced them to purported account managers (the "T5 Account Managers"). The T5 Introducers told the T5 Victims that if they wanted to conduct any transactions, they needed to contact the T5 Account Managers,

1 who would process the transactions. The T5 Account Managers provided the  
2 T5 Victims with instructions regarding Case 1:22-cr-00458-LDH Document  
3 1 Filed 10/06/22 Page 6 of 27 PageID #: 67 the bank accounts to which they  
4 should wire their investments and created profiles and investment portfolios  
5 for the T5 Victims on mobile trading platforms such as Online Trading  
Platform 1, among others. The bank accounts provided by the T5 Account  
Managers to the T5 Victims were associated with the T5 Account Managers'  
co-conspirators, who would launder the T5 Victims' funds upon receipt(the  
"T5 Money Launderers").";

- 6 **Rebuttal:** 1. This paragraph in the indictment fails to demonstrate the who, what, where,  
7 when and how; In fact, all of these "connections" have not been connected,  
8 making this paragraph void and ambiguous;
- 9 2. This paragraph is entirely devoid of any of the 5 elements stated above;
- 10 3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
11 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading  
12 standards- "Pleadings must be plausible, not merely conceivable";
- 13 4. This indictment fails in specificity, pursuant *Associated Gen. Contractors  
of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district  
14 court must retain the power to insist upon some specificity in pleading before  
15 allowing a potentially massive factual controversy to proceed." See also *Car  
Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

16 This paragraph fails pursuant *Bell Atlantic Corp.*, and *Associated*, requiring specificity,  
17 including connecting the entirely absent "who, what, where, when, and how" supra;  
18 This indictment as it applies to Armand, is fatally defective, and fails to state a claim  
19 upon which relief may be granted;

20 re: ¶1.32 "The trading profiles created by the T5 Account Managers for the T5 Victims  
21 were manipulated to appear to reflect the existence of the T5 Victims'  
22 investments. fter the T5 Victims transmitted, as instructed by the T5 Account  
23 Managers, their purported investment funds to bank accounts controlled by the  
24 T5 Money Launderers,the T5 Victims' trading profiles appeared to reflect the  
25 existence ofthe T5 Victims' investments. In reality, the T5 Victims' funds went  
26 to the T5 Money Launderers, not to the trading platforms.";

- 27 **Rebuttal(s):** 1. This paragraph in the indictment fails to demonstrate the who, what, where,  
28 when and how; In fact, all of these "connections" have not been connected,  
making this paragraph void and ambiguous;
2. This paragraph is entirely devoid of any of the 5 elements stated above;
3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading  
standards- "Pleadings must be plausible, not merely conceivable";
4. This indictment fails in specificity, pursuant *Associated Gen. Contractors  
of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district  
court must retain the power to insist upon some specificity in pleading before  
allowing a potentially massive factual controversy to proceed." See also *Car  
Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

1 This paragraph fails pursuant *Bell Atlantic Corp, and Associated*, requiring specificity,  
2 including connecting the entirely absent “who, what, where, when, and how” supra;  
3 This indictment as it applies to Armand, is fatally defective, and fails to state a claim  
4 upon which relief may be granted;

5 re: ¶1.33 “Initially, the purported value of the T5 Victims' investment portfolios would  
6 appear to increase, giving the T5 Victims the impression that they were  
7 profiting on their investments and convincing the T5 Victims to continue to  
8 invest. Additionally, when T5 Victims made initial requests to withdraw small  
9 amounts off their investments, the T5 Account Managers facilitated such  
10 withdrawals. However, when the T5 Victims contacted the T5 Account  
11 Managers in order to withdraw larger amounts of their funds from the trading  
12 platforms, they were met with a series of obstacles. For example, the T5  
13 Account Managers told the T5 Victims that they had to pay transaction fees,  
14 taxes or legal fees in order to withdraw their investment funds. Over time, the  
15 T5 Account Managers and the T5 Introducers ceased communicating with and  
16 responding to the T5 Victims, who were unable to withdraw the bulk of the  
17 money they had transferred at the T5 Account Managers' direction.”;

18 **Rebuttal:** 1. This paragraph in the indictment fails to demonstrate the who, what, where,  
19 when and how; In fact, all of these “connections” have not been connected,  
20 making this paragraph void and ambiguous;  
21 2. This paragraph is entirely devoid of any of the 5 elements stated above;  
22 3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
23 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading  
24 standards- “Pleadings must be plausible, not merely conceivable”;  
25 4. This indictment fails in specificity, pursuant *Associated Gen. Contractors*  
26 *of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, “a district  
27 court must retain the power to insist upon some specificity in pleading before  
28 allowing a potentially massive factual controversy to proceed.” See also *Car*  
*Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

This paragraph fails pursuant *Bell Atlantic Corp, and Associated*, requiring specificity,  
including connecting the entirely absent “who, what, where, when, and how” supra;  
This indictment as it applies to Armand, is fatally defective, and fails to state a claim  
upon which relief may be granted;

re: ¶1.34 “The T5 Account Managers instructed the T5 Victims to wire their purported  
investment funds to, among others, bank accounts associated with companies  
associated with the defendants JIN HUA ZHANG, GREGORY ARMAND,  
YANBIN CHEN, YANBING CHEN, CHANGGUI HUANG, XIN JIN,  
CUNZHONG LIU, JIAHUI MIAO, LINGMING ZENG and HUA ZHOU.”;

**Rebuttal(s):** 1. This paragraph in the indictment fails to demonstrate the who, what, where,  
when and how; In fact, all of these “connections” have not been connected,  
making this paragraph void and ambiguous;  
2. This paragraph is entirely devoid of any of the 5 elements stated above.  
3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading  
standards- “Pleadings must be plausible, not merely conceivable”;

4. This indictment fails in specificity, pursuant *Associated Gen. Contractors of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, “a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed.” See also *Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

This paragraph fails pursuant *Bell Atlantic Corp.* and *Associated*, requiring specificity, including connecting the entirely absent “who, what, where, when, and how” supra; This indictment as it applies to Armand, is fatally defective, and fails to state a claim upon which relief may be granted;

re: ¶1.35 “The defendants JIN HUA ZHANG and JIN FU ZHANG oversaw the T5 Money Launderers and served as intermediaries between the T5 Account Managers and the T5 Money Launderers. ZHANG and JIN FU identified for the T5 Account Managers which bank accounts were available to be used to receive T5 Victims' funds and coordinated with the T5 Money Launderers associated with those accounts the receipt and subsequent transfers of the T5 Victims' funds.”;

re: ¶1.36 After the T5 Money Launderers received the T5 Victims' funds, the defendants JIN HUA ZHANG, GREGORY ARMAND, YANBIN CHEN, YAN BING CHEN, CHANG GUI HUANG, XIN JIN, CUNZ HONG LIU, JIAHUI MIAO, LING MING ZENG, HUA ZHOU and JIN FU ZHANG engaged or directed others to engage in a series offinancial transactions in which they transferred the T5 Victims' funds to other banks accounts;

[Paragraphs 37-54 have been omitted because nothing pertaining to Gregory Armand is stated within those paragraphs.];

re:: (Money Laundering)

re: ¶1.54 “The allegations contained in paragraphs one through 40 are realleged and incorporated as if fully set forth in this paragraph.”;

rebuttal(s): 1. This paragraph in the indictment fails to demonstrate the who, what, where, when and how; In fact, all of these “connections” have not been connected, making this paragraph void and ambiguous;

2. This paragraph is entirely devoid of any of the 5 elements stated above;

3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading standards- “Pleadings must be plausible, not merely conceivable”;

4. This indictment fails in specificity, pursuant *Associated Gen. Contractors of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, “a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed.” See also *Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

This paragraph fails pursuant *Bell Atlantic Corp.* and *Associated*, requiring specificity, including connecting the entirely absent “who, what, where, when, and how” supra; This indictment as it applies to Armand, is fatally defective, and fails to state a claim upon which relief may be granted.

re: ¶1.55 “On or about the approximate dates set forth below, within the Eastern District

of New York and elsewhere, the defendants JIN HUA ZHANG, also known as "Yulong Chen" and "Yun Ye," GREGORY ARMAND, YANBIN CHEN, also known as "Yuanen Zheng," YANBING CHEN, also known as "Yehua Huang" and "Yun Ye," CHANGGUI HUANG, also known as "Junwu Chen," "Feng Qin" and "Haozhao Xu," XIN JIN, also known as "Hui Chen," CUNZHONG LIU, JIAHUI MIAO, LINGMING ZENG, also known as "Weiting Chen," and HUA ZHOU, together with others, did knowingly and intentionally engage in one or more monetary transactions in and affecting interstate commerce in criminally derived property of a value greater than \$10,000, as set forth in the chart below, and that was derived from specified unlawful activity, to wit: wire fraud, contrary to Title 18, United States Code, Section 1343.";

- rebuttal(s):
1. This paragraph in the indictment fails to demonstrate the who, what, where, when and how; In fact, all of these "connections" have not been connected, making this paragraph void and ambiguous;
  2. This paragraph is entirely devoid of any of the 5 elements stated above;
  3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading standards- "Pleadings must be plausible, not merely conceivable"; This indictment is not plausible;
  4. This indictment fails in specificity, pursuant *Associated Gen. Contractors of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district court must retain the power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed." See also *Car Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);
  5. There are no "dates" and no mention how any "wire" was involved;

This paragraph fails pursuant *Bell Atlantic Corp.* and *Associated*, requiring specificity, including connecting the entirely absent "who, what, where, when, and how" supra; This indictment as it applies to Armand, is fatally defective, and fails to state a claim upon which relief may be granted;

Count Thirteen

9/22/2021	GREGORY ARMAND	Bank 2, Account ending -4089	Transferred approximately \$15,000 and \$10,000, one or more of which contained at least \$10,000 of Victim 3 funds.
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- Rebuttal(s):
1. This paragraph in the indictment fails to demonstrate the who, what, where, when and how; In fact, all of these "connections" have not been connected, making this paragraph void and ambiguous;
  2. This paragraph is entirely devoid of any of the 5 elements stated above;
  3. This paragraph fails the test in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) • 127 S. Ct. 1955 • 167 L. Ed. 2d 929 heightened pleading standards- "Pleadings must be plausible, not merely conceivable";
  4. This indictment fails in specificity, pursuant *Associated Gen. Contractors*



1 of *Cal., Inc. v. Carpenters*, 459 U.S. 519, 528, n. 17, 103 S. Ct. 897, "a district  
2 court must retain the power to insist upon some specificity in pleading before  
3 allowing a potentially massive factual controversy to proceed." See also *Car*  
4 *Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (CA7 1984);

5 This paragraph fails pursuant *Bell Atlantic Corp, and Associated*, requiring specificity,  
6 including connecting the entirely absent "who, what, where, when, and how" supra;  
7 This indictment as it applies to Armand, is fatally defective, and fails to state a claim  
8 upon which relief may be granted;

9 re: [Paragraphs 56-70 have been omitted because nothing pertaining to Gregory Armand  
10 is stated within those paragraphs.];

### 11 ARGUMENT(S)

12 This indictment fails on every account to identify and connect the required dots as to the  
13 "who, what, where, when, and (especially) the how";

14 Moreover, this indictment is entirely devoid of any facts that connect Armand to any of the  
15 purported activities with the other defendants, and even though the indictment has a heading  
16 of "(Money Laundering)", the purported charge appears to be "wire fraud." This creates a  
17 fundamental ambiguity, and therefore, being void for vagueness.

18 Firrther, since this is a criminal action, the pleading must be stated at the required  
19 "heightened pleading" standard, and though all of the paragraphs may be "conceivable",  
20 there's not enough facts to "nudge it across the line";

### 21 INDICTMENT DOES NOT COMPLY WITH 22 "BEYOND REASONABLE DOUBT" STANDARD

23 This "indictment" must comply with "beyond reasonable doubt" standard-but does not-  
24 therefore, failing;

### 25 INDICTMENT IS BASED ON INADEQUATE 26 "PREPONDERANCE OF EVIDENCE" STANDARD & FAILS

27 This indictment was written on the civil "preponderance of evidence" standard;

28 Since this "indictment" was written on the "preponderance of evidence" standard, it fails  
because, in criminal actions, proof must be "beyond reasonable doubt." See *In re Winship*  
(1970) 397 U.S. 358:

Viz. "Held: Proof beyond a reasonable doubt, which is required by the Due Process  
Clause in criminal trials, is among the "essentials of due process and fair  
treatment" required during the adjudicatory stage when a juvenile is charged  
with an act that would constitute a crime if committed by an adult. Pp.  
361-368";

Viz. "The government must prove beyond a reasonable doubt every element of a charged  
offense." *In re Winship*, 397 U.S. 358;

This indictment fails to comply with the "heightened pleading standard" pursuant *Bell*  
*Atlantic Corp.*,, "A complaint must allege facts with sufficient specificity to state a claim  
for relief that is plausible, not merely conceivable, on its face."; This INFORMATION fails

1 miserably as it does not state or allege any facts with sufficient specificity to state a  
2 claim for relief that is plausible; supra;

3 The Constitution does not dictate that any particular form of words be used in advising the  
4 jury of the government's burden of proof, so long as, "taken as a whole, the instructions  
5 correctly convey the concept of reasonable doubt," *Holland v. United States*, 348 U.S. 121,  
6 140. In invalidating a charge declaring, among other things, that a reasonable doubt "must  
7 be such . . . as would give rise to a grave uncertainty," "is an actual substantial doubt," and  
8 requires "a moral certainty";

9 The charge also must "informs the jury that the probabilities must be strong enough to prove  
10 guilt beyond a reasonable doubt." *Dunbar v. United States*, 156 U.S. 185, 199. P. 22;

11 The charge does not inform any probabilities, therefore, this indictment is not strong enough  
12 to prove "beyond a reasonable doubt";

13 The Prosecution has completely failed to establish all of the Five Elements required to obtain  
14 a conviction of 18 U.S.C. 1343, as enumerated herein. In fact, the entire "indictment" is  
15 entirely devoid of any element that would squarely place connect Armand to 18 U.S.C. 1343,  
16 as the indictment is entirely devoid of the "who, what, where, when and how such was  
17 performed to place Armand in the cross-hairs to establish a crime;

18 "Furthermore, because of the grave consequences incident to denaturalization proceedings  
19 we have held that a burden rests on the Government to prove its charges in such cases by  
20 clear, unequivocal and convincing evidence which does not leave the issue in doubt.  
21 *Schneiderman v. United States*, 320 U.S. 118, 158 [1943]. This burden is substantially  
22 identical with that required in criminal cases — proof beyond a reasonable doubt." *Klapprott*  
23 *v. United States*, 335 U.S., at 611-612.

24 Armand believes that Prosecution can not, under any circumstances amend said indictment  
25 given any amount of time and repetition, based on "heightened pleading standards," nor can  
26 it do so on the basis of "beyond reasonable doubt" standard;

### 27 RELIEF

28 **Dismiss the Indictment with prejudice;**

**Attorney / like attorney fees;**

**Costs;**

**Any further supplemental relief;**

**This 1<sup>st</sup> day of March, in the Year of Our Lord, two thousand twenty four.**

24 By:   
25 **Gregory Armand.**

1 Gregory Armand  
2 482 Joralemon Street Apt B6  
3 Belleville,  
4 New Jersey (07109)  
5

6 United States District Court  
7 Eastern District of New York

8 UNITED STATES OF AMERICA,  
9 Plaintiff

22-cr-458

10 v.

11 JIN HUA ZHANG, et al,

Proposed Order  
re Defend in error, GREGORY  
ARMAND'S Motion to Dismiss with  
Prejudice pursuant F.R.C.P. Rule 12(b)(6);  
Certificate of Service; Proposed Order;

Judge: LaShann DeArcy Hall  
Magistrate: Ramon E. Reyes, Jr.

13 Gregory Armand came before this Court, gave oral testimony, evidence re his "motion to  
14 dismiss".

15 The Court after having reviewed Armand's "motion" oral testimony, evidence presented  
in this matter,

16 The Court hereby:

17 \_\_\_\_\_ Grants the "motion to dismiss" with prejudice;

18 \_\_\_\_\_ Denies the "motion to dismiss";

19 \_\_\_\_\_ Other: \_\_\_\_\_

20  
21 \_\_\_\_\_  
22 Attorney fees/like attorney fees: \_\_\_\_\_;

23 Costs: \_\_\_\_\_;

24 Further supplemental relief: \_\_\_\_\_

25  
26  
27 IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_ in the Year \_\_\_\_\_ A.D.

28 \_\_\_\_\_  
Judicial Officer of the District Court

**CERTIFICATE OF SERVICE**

I, me, Isabel Hernandez certifies that I served the United States Attorney's Office at the address identified below:

United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, N.Y. 11201  
U.S. Certified Mail: \_\_\_\_\_; and,

United States District Court - Eastern District  
225 Cadman Plaza E.  
Brooklyn, NY 11201  
U.S. Certified Mail: \_\_\_\_\_.


on this 03/07 day of March, in the Year of Our Lord, two-thousand twenty four, by U.S. Certified Mail.

By: Isabel Hernandez

Address: 139 WASHINGTON AVE

City: Belleville

State/Zip NJ 07109

Signature of Person serving: By: 

**JURAT**

State of New Jersey }  
County of Essex } ss.

ISABEL I. HERNANDEZ  
NOTARY PUBLIC OF NEW JERSEY  
Commission # 50134547  
My Commission Expires 8/18/2025

Subscribed and sworn to (or affirmed) before me this

07 day of MARCH, 2024, by  
Date Month Year

[Signature]

Name of Signer No. 1

Name of Signer No. 2 (if any)

[Signature]  
Signature of Notary Public

Place Notary Seal/Stamp Above

Any Other Required Information  
(Residence, Expiration Date, etc.)

**OPTIONAL**

<sup>New Jersey</sup>  
This section is required for notarizations performed in ~~Arizona~~ but is optional in other states.  
Completing this information can deter alteration of the document or fraudulent reattachment  
of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Motion to Dismiss

Document Date: 3/7/2024 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Copy Certification by Document Custodian**

I, Gregory Armand, hereby declare that the attached  
(Printed name of Affiant/Document Custodian)

reproduction of the original record titled or pertaining to

Motion to Dismiss  
(Description or subject of document)

dated 3/7/2024 and consisting of 11 pages, is a true, correct and  
(Document date or "n/a") (Number of pages)

complete copy of the original record.

[Signature]  
(Signature of Affiant/Document Custodian)

Date: 3/7/24

New Jersey  
State of ~~Georgia~~  
County of Essex

Signed and sworn to (or affirmed) before me on 3/7/2024  
(Date)

by Gregory Armand  
(Printed name of individual making statement)

who is

☐ personally known

or

☒ proved to me on the basis of satisfactory evidence to be the person

who appeared before me

**SABEL I. HERNANDEZ**  
**NOTARY PUBLIC OF NEW JERSEY**  
Commission # 50134547  
My Commission Expires 8/18/2025

[Signature]  
(Signature of Notary Public) New Jersey  
Notary Public, State of ~~Georgia~~

Stamp/Seal

My commission expires: 8/18/2025

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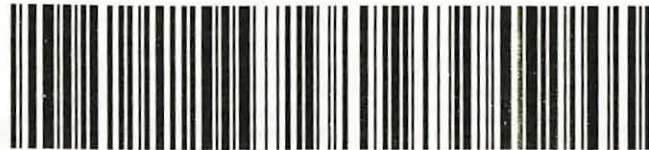
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